

### **AMENDMENTS TO THE CLAIMS**

This listing of claims will replace all prior versions, and listings of claims in the application:

Claim 1 (Currently Amended): A positive electrode active material which comprises a lithium-cobalt composite oxide represented by the formula  $\text{Li}_p\text{Co}_x\text{M}_y\text{O}_z\text{F}_a$  (wherein M is a transition metal element other than Co or an alkaline earth metal element,  $0.9 \leq p \leq 1.1$ ,  $0.980 \leq x \leq 1.000$ ,  $0 \leq y \leq 0.02$ ,  $1.9 \leq z \leq 2.1$ ,  $x+y=1$  and  $0 \leq a \leq 0.02$ ) and comprising a mixture comprising substantially spherical first particles of lithium-cobalt composite oxide having such a sharp particle size distribution that the volume basis cumulative size D10 is at least 50% of the average particle size D50, and the volume basis cumulative size D90 is at most 150% of the average particle size D50, and second particles of lithium-cobalt composite oxide filling the space among the above lithium-cobalt composite oxide particles, in a mass ratio of first particles/~~first~~ second particles of from 1/2 to 9/1.

Claim 2 (Withdrawn): The positive electrode active material according to Claim 1, wherein in the formula, M is at least one member selected from the group consisting of Ti, Zr, Hf, V, Nb, Ta, Mn, Mg, Ca, Sr, Ba and Al.

Claim 3 (Previously Presented): The positive electrode active material according to Claim 1, wherein the average particle size D50 is from 5 to 15  $\mu\text{m}$ , the specific surface area is from 0.3 to 0.7  $\text{m}^2/\text{g}$ , the half value width of the diffraction peak on (110) plane at  $2\theta=66.5 \pm 1^\circ$  is from  $0.07$  to  $0.14^\circ$  as measured by X-ray diffraction using  $\text{CuK}\alpha$  as a radiation source, and the press density is from 3.1 to 3.4  $\text{g}/\text{cm}^3$ .

Claim 4 (Previously Presented): The positive electrode active material according to Claim 1, wherein the first particles are large particles having an average particle size D50 of from 7 to 20  $\mu\text{m}$ , and the second particles are small particles having an average particle size of from 10 to 30% of D50 of the first particles.

Claim 5 (Previously Presented): The positive electrode active material according to Claim 1, wherein the first particles have a press density of from 2.9 to 3.2  $\text{g/cm}^3$ , and the second particles have a press density of from 2.7 to 3.1  $\text{g/cm}^3$ .

Claim 6 (Withdrawn): A process for producing the positive electrode active material as claimed in Claim 1, which comprises firing, as a cobalt source, a mixture of substantially spherical large particle size cobalt hydroxide or tricobalt tetraoxide having such a sharp particle size distribution that the average particle size D50 is from 7 to 20  $\mu\text{m}$ , the average particle size D10 is at least 50% of the average particle size D50 and the average particle size D90 is at most 150% of the average particle size D50, and small particle size cobalt hydroxide or tricobalt tetraoxide having an average particle size D50 of from 10 to 30% of the average particle size D50 of the large particles, in a proportion of from 9:1 to 1:2 as the cobalt atomic ratio, at a temperature of from 700°C to 1050°C in an oxygen-comprising atmosphere.

Claim 7 (Withdrawn): The production process according to Claim 6, wherein the large particle size cobalt hydroxide or tricobalt tetraoxide has a press density of from 1.7 to 3.0  $\text{g/cm}^3$ , and the small particle size cobalt hydroxide or tricobalt tetraoxide has a press density of from 1.7 to 3.0  $\text{g/cm}^3$ .

Claim 8 (Withdrawn): The production process according to Claim 6, wherein each of the large particle size cobalt hydroxide or tricobalt tetraoxide and the small particle size cobalt hydroxide or tricobalt tetraoxide has a specific surface area of from 2 to 20 m<sup>2</sup>/g.

Claim 9 (Withdrawn): The production process according to Claim 6, wherein the large particle size or small particle size cobalt hydroxide has a half value width of the diffraction peak on (001) plane at  $2\theta=19\pm1^\circ$  of from 0.18 to 0.35° and a half value width of the diffraction peak on (101) plane at  $2\theta=38\pm1^\circ$  of from 0.15 to 0.35°, in an X-ray diffraction spectrum using CuK $\alpha$ -ray.

Claim 10 (Withdrawn): A process for producing the positive electrode active material as claimed in Claim 1, which comprises firing, as a cobalt source, a mixture of substantially spherical cobalt hydroxide or tricobalt tetraoxide having such a sharp particle size distribution that the average particle size D50 is from 7 to 20  $\mu\text{m}$ , the average particle size D10 is at least 50% of the average particle size D50, the average particle size D90 is at most 150% of the average particle size D50, and the average particle size of secondary particles formed by agglomeration of primary particles is from 8 to 20  $\mu\text{m}$ , and cobalt oxyhydroxide having an average particle size of secondary particles formed by agglomeration of primary particles of from 7 to 20  $\mu\text{m}$ , in a proportion of from 5:1 to 1:5 as the cobalt atomic ratio, at a temperature of from 700°C to 1050°C in an oxygen-comprising atmosphere.

Claim 11 (Withdrawn): The production process according to Claim 10, wherein the cobalt oxyhydroxide has a half value width of the diffraction peak on (220) plane at  $2\theta=31\pm1^\circ$  of at least 0.8° and a half value width of the diffraction peak on (311) plane at

$2\theta=37\pm1^\circ$  of at least  $0.8^\circ$ , in an X-ray diffraction spectrum using  $\text{CuK}\alpha$ -ray, and has a specific surface area of from 10 to  $80 \text{ m}^2/\text{g}$ .

Claim 12 (Withdrawn): The production process according to Claim 10, wherein as the cobalt hydroxide, substantially spherical cobalt hydroxide having a half value width of the diffraction peak on (001) plane at  $2\theta=19\pm1^\circ$  of at least  $0.15^\circ$  and a half value width of the diffraction peak on (101) plane at  $2\theta=38\pm1^\circ$  of at least  $0.15^\circ$ , in an X-ray diffraction spectrum using  $\text{CuK}\alpha$ -ray, and having a specific surface area of from 2 to  $30 \text{ m}^2/\text{g}$ , is used.

Claim 13 (Withdrawn): The production process according to Claim 10, wherein the tricobalt tetraoxide has a half value width of the diffraction peak on (220) plane at  $2\theta=31\pm1^\circ$  of at least  $0.08^\circ$  and a half value width of the diffraction peak on (311) plane at  $2\theta=37\pm1^\circ$  of at least  $0.10^\circ$ , in an X-ray diffraction spectrum using  $\text{CuK}\alpha$ -ray, and has a specific surface area of from 2 to  $10 \text{ m}^2/\text{g}$ .

Claim 14 (Withdrawn): The production process according to Claim 10, wherein the cobalt hydroxide or the tricobalt tetraoxide has a press density of from  $1.2$  to  $2.5 \text{ g/cm}^3$ .

Claim 15 (Withdrawn): The production process according to Claim 10, wherein the lithium-cobalt composite oxide has a half value width of the diffraction peak on (110) plane of from  $0.07$  to  $0.14^\circ$ , a specific surface area of from  $0.3$  to  $0.7 \text{ m}^2/\text{g}$ , a heat generation starting temperature of at least  $160^\circ\text{C}$ , and a press density of from  $3.1$  to  $3.4 \text{ g/cm}^3$ .

Claim 16 (Previously Presented): A positive electrode which comprises the positive electrode active material as claimed in Claim 1.

Claim 17 (Withdrawn): A positive electrode which comprises a positive electrode active material obtained by the production process as claimed in Claim 6.

Claim 18 (Previously Presented): A lithium secondary battery comprising the positive electrode active material as claimed in Claim 16.

Claim 19 (Withdrawn): A positive electrode which comprises a positive electrode active material obtained by the production process as claimed in Claim 10.

Claim 20 (Withdrawn): A lithium secondary battery comprising the positive electrode active material as claimed in Claim 17.

Claim 21 (Withdrawn): A lithium secondary battery comprising the positive electrode active material as claimed in Claim 19.

**BASIS FOR THE AMENDMENT**

Claim 1 has been amended as supported at page 5, lines 21-23.

No new matter is believed to have been added by entry of this amendment. Entry and favorable reconsideration are respectfully requested.

Upon entry of this amendment Claims 1-21 will now be active in this application.